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BOOK REVIEWS.

CORRECTION. Attention is called to an error in the review of Chamberlayne on Evidence in the March issue. 25 HARV. L. REV. 483, 485. In the last line of page 485 "table of contents" should read "table of cases."

THE COLLECTED PAPERS OF FREDERIC WILLIAM MAITLAND. Edited by H. A. L. Fisher. In three volumes. Cambridge: The University Press; New York: G. P. Putnam's Sons. 1911. pp. ix, 497; 496; vi, 528.

The fifteen hundred or more pages of these three volumes contain sixty-eight papers of various kinds written between 1875 and 1906. They vary in length and subject matter from a book review of three or four pages, a brief note on some historical point from the English Historical Review or an appreciation of Lord Acton, to a college dissertation on Liberty and Equality of over one hundred and fifty pages, a bibliography of English legal history originally contributed to the Political Science Quarterly, a sketch of English legal history of over seventy-five pages which first appeared in Traill's Social England, a long essay "designed to explain to Germans the nature of a trust" published in Grünhut's *Zeitschrift*, or the careful papers on the History of the Register of Original Writs from this Review.

It is safe to assume that every lawyer who is even slightly acquainted with the historical foundations of our legal system already knows something of the contents of these three volumes. The larger that acquaintance, it is also safe to say, the greater will be his welcome of this opportunity, now first given, of having in convenient and inexpensive form these papers which have hitherto been accessible only to the favored few who possessed complete files of the Law Quarterly Review and the English Historical Review, and not all accessible even to these.

Much of Maitland's best work appeared in these papers and apparently none of importance which could be reasonably expected in a collection of this kind has been omitted from this one, unless it be the chapter on the Anglican Settlement and the Scottish Reformation in volume two of The Cambridge Modern History. The omission of Maitland's introductions to his volumes of the publications of The Selden Society and his remarkable introduction to the Parliament Roll of 1305 in the Rolls Series, the editor satisfactorily accounts for on the ground that they "could not without injury be wrenched from the texts which they are intended to introduce." In the case of the former of these there is the additional good reason that every one who is sufficiently interested in the subject to read them ought if possible to obtain them by enrolling himself as a member of the society itself, and thus help to further a project dear to Maitland's heart and likely to be in the coming years his principal memorial. With the exception of these we have in these volumes practically "the whole mass of Maitland's scattered writing."

Of these sixty-eight papers the editor has starred twenty-two as "of a less technical character" than the rest. The other forty-six have practically all to do with the law or its history, and this is also true of some of the twenty-two more popular ones. Among subjects such as The Origin of Uses, The Corporation Sole, The Origin of the Borough, The Seisin of Chattels, and The Law of Real Property, the breadth of Maitland's knowledge and interests is indicated

by a learned review of Liebermann's *Gesetze der Angelsachsen* and a paper on the making of the German Civil Code.

The problem of corporate personality in its history, nature and practical effects in our legal system was the centre of Maitland's investigation and interest in the last few years of his life. Under the influence of Gierke he became profoundly convinced of the truth of the theory of a real though incorporeal existence of the corporate person and of the corporate will, in opposition to the view that the corporation is merely a figment of the imagination, a creation out of nothing made by the State for purposes of convenience. Though this controversy has gone on for years on the Continent and now fills a library of books, these six papers, together with Maitland's brilliant introduction to his translation of Gierke's "Political Theories of the Middle Age" have virtually introduced the subject to English and American lawyers at large, and are likely to remain the classical exposition of it in English. To appreciate Maitland's influence in this respect one has only to compare the number of articles on this subject which have appeared in leading legal periodicals in England and America before and since he began to publish these papers. The timeliness of this subject and its intimate connection with some of the most pressing problems before our courts and our people, serve to illustrate the intensely practical character of all Maitland's aims and interests. However far back these papers may take us in the historical development of our legal doctrines, we always feel in reading them that in tracing the beginnings of that development our author has constantly in mind a better understanding of its end. Maitland has none of that foolish impatience with the study of our past development which renders superficial and worthless so much that is written to-day, but he never falls into the opposite error of mere legal antiquarianism.

It is unnecessary at this late day to try to give a critical estimate of these writings. That matter was settled long ago. Considering the fact that the series was begun thirty-five years ago, there is surprisingly little which must be revised in the light of later research. "He wrote little, perhaps nothing, in early manhood which he would have cancelled in later years." There will no doubt be a difference of opinion as to the correctness of a few of the conclusions. All may not be able, for example, to accept entirely the author's views on the origin of the borough; and many will be unable to see in the corporation as Maitland did, "no fiction, no symbol, no piece of State's machinery, no collective name for individuals, but a living organism and a real person, with body and members and a will of its own." Most of the papers, however, are on subjects not controversial; but even where they are, and in the rare cases where we cannot accept all their conclusions, our admiration for their value and suggestiveness is not one whit diminished. They are, as Mr. Fisher says of their author, "always learned, always original, and in ninety-nine cases out of a hundred . . . transparently right."

The papers are given in their original form without annotation. C. H. M.

THE LAW OF CONTRACTS. By Clarence D. Ashley. Boston: Little, Brown and Company. 1911. pp. xxviii, 310.

This little treatise on the Law of Contracts is an interesting book and an interesting kind of book. It is a thought which cannot fail to occur to every lawyer and especially to such lawyers as are compelled constantly to search for authoritative statements of the law, that before many years the mass of material will be so great as to paralyze the efforts of the most industrious. The American Digest and the Key Number System are useful, but when pertinent decisions